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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,018	04/23/2001	Ranjit Sahota	007412.01059	5829

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EXAMINER	
CHOWDHURY, SUMAIYA A	
ART UNIT	**PAPER NUMBER**
2421	

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06/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/841,018	SAHOTA ET AL.	
	Examiner	Art Unit	
	SUMAIYA A. CHOWDHURY	2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25 and 29-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25, 29-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/12/10 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-25, and 29-31 have been considered but are moot in view of the new ground(s) of rejection.

(a) Applicant argues that the prior art does not teach the new limitations.

The Examiner has brought in Dougherty (6725461) to teach a flashing icon is initially presented on the display to inform the viewer of the presence of an interactive application (col. 10, lines 30-34).

The Examiner has brought in Schein (6002394) to teach displaying an icon to a user, which if the user activates, allows the user to respond to a survey (col. 20, lines 29-45).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim(s) 18-25 is/are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim(s) 18-25 define a signal with descriptive material stored on a machine readable storage medium. While "functional descriptive material" may be claimed as a statutory product (i.e., a "manufacture") when embodied on a tangible machine readable medium, a signal embodying that same functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes of § 101. Signals are non-statutory and cannot be made statutory by being claimed on a computer readable storage medium. Only data structures and programs are made statutory by being claimed on a computer readable storage medium. The broadest readable interpretation of 'machine-readable storage medium' includes a transitory signal bearing medium, i.e. the claim would be directed to a signal per se. Further, the specification does not exclude these non-statutory types or limit the definition of machine-readable medium to only statutory types. The Examiner suggests adding the limitation "non-transitory" to the claim (Reference the 1/26/10 memorandum issued by Director David Kappos, titled "Subject Matter Eligibility of Computer Readable Media"). Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (U.S. Patent No. 6,536,041 B1) in view of Rosser (6446261) and Dougherty (6725461).

Regarding claim 1, Knudson discloses "an apparatus comprising: a processor; a memory having stored therein computer executable instruction, that when executed by the processor, cause the apparatus to perform a method of: receiving a video transmission; including an interactive bug onto the display of the video transmission; transmitting the received video transmission with the interactive channel bug to a display device, wherein the interactive channel bug is used to facilitate interactivity without the need for tuning to a dedicated channel associated with interactive service" (a display 190 as shown in Figure 13 and a receiver (as shown in Figure 1/set top box 52) for receiving interactive broadcasting services from a broadcaster, for example, real time data is providing on the same time with programming and program guides from television facility, and the display further provides an interactive channel controllable ticker including other icons (Fig. 13/item 187) regarding as interactive channel bug to display to the viewer for interactivity services (Fig. 13, 24-26, 27a-27c; and col. 7/lines

36-63 for set top box; col. 13/line 55 to col. 14/line 13 & col. 14/line 45-col. 15/line 13 & col. 15/line 30-42 for details on the controllable ticker wherein the ticker is independent from the television display, so that the user can still watch the television program and view interactive channel ticker for additional information based on the user's preferences and setup, and the category can be changed; the ticker is automatically scrolling, and the user does not need to tune to any dedicated channel associated with interactive services).

Knudson does not teach morphing an interactive channel bug into the received video transmission, wherein the morphing also allows the interactive channel bug to start flashing upon display;

In an analogous art, Rosser teaches using occlusion masks to warp an image onto a broadcast at the STB. The warping takes place at warp unit 100 which is at the STB.(col. 10, lines 21-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Knudson's invention to include to include the above mentioned limitation, as taught by Rosser, for the advantage of automating the process morphing informative images into broadcasts at the receiver, thereby to make the insertion behave as if it were part of the natural scene.

However, Knudson and Rosser fail to disclose the bug starts flashing upon display;

In an analogous art, Dougherty discloses a flashing icon is initially presented on the display to inform the viewer of the presence of an interactive application (col. 10, lines 30-34).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Knudson and Rosser's invention to include the abovementioned limitation, as taught by Dougherty, for the advantage of informing the viewer of the presence of an interactive application.

As for claims 2-3, Knudson further discloses "wherein the interactive channel bug is a graphical object" (Fig. 13, item 187 provides a graphical object, col. 14/line 14) and "wherein the graphical object includes an interactive video transmission channel branding logo" (Fig. 1/item for a branding logo, col. 14/line 14, since the icon is a television channel icon; or Fig. 25/item 310 for a sponsor logo).

As for claims 4-5, Knudson shows "wherein the receiver selectively causes the interactive channel bug to appear or morph" (Fig. 19 for having the channel ticker or not) and "wherein the interactive channel bug is a launching point for interactive services", i.e., selecting these icons will cause to appear the display of the interactive session for browsing/buying products and services (Fig. 24, and col. 18/line 61 to col. 19/line 27 for icons can be interactively access to other links and information).

As for claim 6, Knudson discloses "wherein the interactive channel bug launches a functionality determined by a broadcaster or network operator, the functionality capable of changing over time", i.e., the network changes to provide the icons over time based on the request or interest of the user, refer to Fig. 11 and 20, and col. 13/lines 17-36 and col. 17/lines 25-52 for different times set up for the interactive channel ticker).

As for claim 7, Knudson discloses "wherein the form of the interactive channel bug is to change to indicate the availability of new interactive services" (Figs. 11-12 as the live event data feed is updated regularly as if a new interactive service is available, see col. 13/line 17-67).

As for claims 8-9, Knudson discloses "wherein a changed form of the interactive channel bug indicates the availability of interactive services associated with the broadcast" and "wherein a changed form of the interactive channel bug indicates the availability of interactive services associated with a purchase of products or services", i.e., col. 13/line 55 to col. 14/line 13 & col. 14/line 45-col. 15/line 13 & col. 15/line 30-42 for details on the controllable ticker wherein the ticker is independent from the television display, so that the user can still watch the television program and view interactive channel ticker for additional information based on the user's preferences and setup, and the category can be changed; the ticker is automatically scrolling for displaying updated and new interactive information; and Fig. 24, and col. 18/line 61 to col. 19/line 27 for icons can be interactively access to other links and information.

Regarding claims 10-17 of "a method for a display system comprising: receiving a video transmission; receiving an interactive channel bug; morphing the channel bug into the video transmission, the interactive channel bug to facilitate interactivity; and providing the broadcast and the interactive channel bug to the display system" including the step of without the need for tuning to a dedicated channel associated with interactive services, claims 18-25 of "a machine-readable medium providing instructions, which if executed by a processor, causes the processor to perform an operation comprising: receiving a broadcast; receiving an interactive channel bug; morphing the interactive channel bug into the broadcast, the interactive channel bug to facilitate interactivity; and providing the broadcast and the interactive channel bug to the display system" including the step of without the need for tuning to a dedicated channel associated with interactive services; these claims with same limitations addressed earlier are rejected for the reasons given in the scope of claims 1-9 as discussed in details above.

7. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson in view of Rosser (6446261), Rosser (6750919), and Schein (6002394).

As for claims 29-31 contain the limitations of claim 1 and are analyzed as previously discussed with respect to those claims. Claims 29-31 additionally disclose the following which Rosser (6750919) teaches: "a method for providing interactive

content comprising: capturing and analyzing a video stream to locate a standard non-interactive broadcast bug; determining a position of the standard non-interactive broadcast bug; aligning an interactive bug over the broadcast bug at the position; and displaying the interactive bug over the broadcast bug within the video stream", Rosser (6750919) teaches a scoreboard or sign is aligned over a back wall behind a batter (col. 7, lines 35-65).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Knudson and Rosser ('261)'s invention to include the above mentioned limitation, as taught by Rosser ('919), such that the superimposed image is unobtrusive to the user, thereby allowing the user to clearly view the broadcast without any obstruction.

However, Knudson, Rosser '261, and Rosser '919, fail to disclose wherein the interactive bug is configured to facilitate an online poll.

In an analogous art. Schein discloses displaying an icon to a user, which if the user activates, allows the user to respond to a survey (col. 20, lines 29-45).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Knudson, Rosser '261, and Rosser '919 's invention to include the abovementioned limitation, as taught by Schein, for the advantage of providing an interactive system to the user which allows the user to participate, thereby enhancing the user's TV experience.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

/Sumaiya A Chowdhury/
Examiner, Art Unit 2421